

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ADVANCEPIERRE FOODS, INC.**

**and**

**Case 09-CA-157262<sup>1</sup>**

**UNITED FOOD AND COMMERCIAL WORKERS  
UNION, LOCAL 75, AFFILIATED WITH THE  
UNITED FOOD AND COMMERCIAL WORKERS,  
INTERNATIONAL UNION**

**ORDER<sup>2</sup>**

The petition to partially revoke subpoena duces tecum B-1-OI64SB, filed by AdvancePierre Foods, Inc., is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, AdvancePierre Foods has failed to establish any other legal basis for revoking the subpoenas. See generally *NLRB v. North Bay Plumbing*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., January 8, 2016.

MARK GASTON PEARCE,      CHAIRMAN

PHILIP A. MISCIMARRA,      MEMBER

KENT Y. HIROZAWA,      MEMBER

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<sup>1</sup> The subpoena and the parties' filings also refer to Case 09-CA-157243. However, on November 27, 2015, the Acting Regional Director approved the withdrawal of that charge.

<sup>2</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.